

REMARKS

The present amendment is submitted in response to the Final Office Action mailed March 15, 2002, which set a three-month period for response, making this amendment due by June 15, 2002.

Claims 9-18 are pending in this application.

In this Final Office Action, claims 9, 12, and 14-18 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,633,912 to Tsoi. Claims 10-11 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tsoi in view of U.S. Patent No. 5,969,718 to Mills. Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Tsoi in view of U.S. Patent No. 6,046,730 to Bowen.

The Applicants respectfully disagree with the Examiner's sustained rejection of the claims as either anticipated by the Tsoi reference, or as obvious over the combination of Tsoi or Bowen.

In the Office Action, the Examiner interprets the term "operating mode", as used in claim 9 of the present application, as "instruction designed to control the hardware of the specific data processing system..." The Applicants respectfully disagree with this interpretation. An "operating mode" has no relation to "instructions" but with actions that are executed by the system (i.e., the hardware) in reaction to one or more instructions. An "operating mode", therefore, defines a specific action executed by the system. In the case of the present application, that specific action is a mobile phone. Another word for "operating mode" is "operating condition".

Support the Applicant's interpretation of the term can be found on page 6, line 28 through page 7, line 21 of the specification of the present application. The first operating mode is shown in Figure 5a. The action is the second call, which is active. In this case, the control element 13 is associated with a piece of information about

this operation state. The second operation mode is shown in Figure 5b. The action in this operating mode is the first call, which is active. In this case, the control element 13 is associated with the information "waiting". When the control element 13 is pressed, the first operation mode is resumed.

In other words, when a first operating mode is active, the control element is associated with information about the first operating mode, whereas the control element is associated with a function (an "instruction") to re-activate the first mode when a second operating mode is active.

In contrast, Tsoi's Fig. 7 shows the function "call", which is associated with the control element 82, whereas in Fig. 9, the function "hang up" is associated with the control element 82. Therefore, Tsoi does not show information associated with a control element in the first operating mode. According to Tsoi, the control element is always associated with a function (an "instruction"). Further, Tsoi does not disclose two operating modes, as defined in the present application, as discussed above.

Tsoi's only operating mode is the call shown in Figs. 7 and 9.

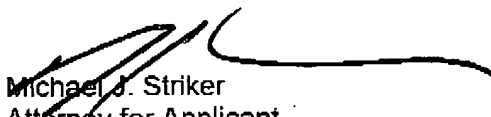
Therefore, Tsoi cannot be seen as anticipatory of the present invention.

Moreover, Tsoi does not provide the practitioner skilled in the art any suggestion of associating a control element in the first operating mode, or "operating state", with information about this operating state, whereas in a second operating state, a function ("instruction") to re-activate the first operating mode is associated with the control element in a second operating mode. Again, because Tsoi fails to provide any suggestion of two operating modes in the sense of the present invention, the practitioner simply could not be lead to the present invention, even when looking to the supplementary references cited by the Examiner, which also provide no information or suggestion to the Examiner on this limitation.

Therefore, the Applicants respectfully submit that the present invention is also not obvious over the combination of Tsoi with the secondary references, as cited in the Office Action.

For the reasons set forth above, the Applicants respectfully request withdrawal of the final rejections of claims 9-18 under 35 U.S.C. 102 and 103. The Applicants submit further that this application now stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.



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